

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW GANTT,

Plaintiff,

v.

JANET RHOOTON,

## Defendants.

Case No. C19-5352 RBL-TLF

## ORDER TO SHOW CAUSE

In this action pursuant to 42 U.S.C. § 1983, plaintiff Matthew Gantt filed a motion

for a preliminary injunction and temporary restraining order on September 26, 2019.

Dkt. 28. In an order to show cause, this Court directed plaintiff to submit an affidavit to

the court demonstrating how the motion for a temporary restraining order was related to

the claims in plaintiff's complaint, since the motion for a TRO sought an injunction

against unnamed defendants. Dkt. 29. Since then, plaintiff has submitted an amended

complaint, adding new defendants and claims. Dkt. 51. Plaintiff's amended complaint

does not make clear whether the new defendants are the same individuals described

the motion for a TRO. See *id.*

Furthermore, since the Court's order to show cause on this issue, the plaintiff has

not submitted evidence to the Court that his situation meets the standard for a TRO. T

obtain a preliminary injunction or TRO, the moving party must demonstrate: (1) he is

likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence

1 of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is  
2 in the public interest. *Winter v. Natural Res. Def. Counsil, Inc.*, 555 U.S. 7, 20 (2008);  
3 see also *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n. 7 (9th  
4 Cir. 2001). Plaintiff's motion in September alleged that he was in fear for his life due to  
5 lacking medical care for an acute injury. Dkt. 28, at 2-3. At this time, there is no  
6 evidence presented to the Court that shows any imminent injury.

7       **Accordingly, the Court orders plaintiff to show cause on or before March 3,  
8 2020, why his motion for temporary restraining order or preliminary injunction  
9 (Dkt. 28) should not be denied by the Court as moot.**

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11       Dated this 31st day of January, 2020.

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**Theresa L. Fricke**  
16       United States Magistrate Judge  
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